

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EB-08 VO-05 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00
SSO-00 NSCE-00 SS-15 /056 W
-----063711 102047Z /61/64
O 091331Z MAY 78
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC IMMEDIATE 4963

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C O R R E C T E D C O P Y (PARA 6)

EO 11652N/A
TAGS: EAIR, PFOR, PL, US, CVIS
SUBJ: CIV AIR CONSULTATIONS

REF: A. WARSAW 3809, B. STATE 116893

1. IN REF A, LOT ALLEGES IT WAS UNABLE TO FULFILL THE SALES QUOTA FOR PAN AM BECAUSE A) THEY DID NOT KNOW THERE WAS A PROBLEM UNTIL IT WAS TOO LATE, AND B) THE USG ISSUED FEWER VISAS IN 1977, THEREBY LIMITING TRAFFIC AND THUS SALES. FOR THE REASONS EXPLAINED BELOW, WE CONSIDER THESE POINTS IRRELEVANT. LIKE THE DEPARTMENT, WE HOPE POLISH NEGOTIATORS WILL NOT PUSH THEM SERIOUSLY DURING THE TALKS IN WASHINGTON.

2. THE SALES GUARANTEE PROVISION WAS ADOPTED AS THE CENTRAL PART OF THE 1976 AIR TRANSPORT AGREEMENT BECAUSE OF ITS SIMPLICITY AND BECAUSE IT COULD NOT BE MISUNDERSTOOD. DURING THOSE TALKS THE CHAIRMAN OF THE US DELEGATION MADE CLEAR THAT WE COULD NOT BE RESPONSIBLE FOR ANY FLUCTUATIONS IN THE NUMBER OF VISAS ISSUED IN ANY FUTURE YEAR FOR THE REASONS THE DEPARTMENT HAS AGAIN REPEATED TO THE POLISH EMBASSY IN WASH. FOR THIS REASON THE 1976 AGREEMENT SPECIFIES THAT
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ANY FLUCTUATION IN VISA ISSUANCE WILL APPLY DIRECTLY, AND ONLY, TO CALCULATION OF THE SALES GUARANTEE LEVEL OF THE SUBSEQUENT YEAR. WE, THEREFORE, BELIEVE WE SHOULD INSIST THAT THE POLES MEET THE 1977 SALES GUARANTEE FIGURE IN FULL.

3. WE AGREE THAT, IF THE POLES INSIST ON PUSHING THE

POINT ON VISA ISSUANCE, THE DEPARTMENT SHOULD RESPOND AS OUTLINED IN REF. WE SHOULD ALSO POINT OUT THAT POLISH NEGOTIATORS IN 1976 WERE AWARE THAT TOTAL VISA ISSUANCE IN 1976 WAS LIKELY TO BE A HIGH FIGURE FOR THE NEXT SEVERAL YEARS DUE TO TRAVEL FOR THE BICENTENNIAL.

4. WE SHOULD ALSO POINT OUT THAT THE NUMBER OF POLISH TRAVELERS TO THE US DEPENDS ON THE NUMBER OF PASSPORTS GRANTED AND THEN, AND ONLY THEN, ON OUR VISA ISSUANCE RATE. WE CANNOT GET ANY DATA ON THE PASSPORT REFUSAL RATE FOR POLISH CITIZENS BUT WE CAN SAY WITH SOME CERTAINTY THERE ARE A SIGNIFICANT NUMBER OF PEOPLE WHO DO NOT EVEN GET TO APPLY FOR A VISA. IF THE NUMBER OF PASSPORTS ISSUED INCREASED, IT WOULD FOLLOW THE NUMBER OF VISAS ISSUED WOULD ALSO INCREASE.

5. ONCE THEY OPEN UP THIS "PANDORA'S BOX", IT WILL PROBABLY CLOSE QUICKLY IF WE FOLLOW WITH THE QUESTION OF DIVIDED FAMILIES.

6. THE NIV VISA ISSUANCES FOR 1976 AND 1977 ARE AS FOLLOWS:

	1976	1977
EMBASSY WARSAW	14,729	14,777
CONSULATE POZNAN	4,267	4,324
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CONSULATE KRAKOW	5,474	3,454
TOTALS	24,470	22,555

7. THE PAN AM REPRESENTATIVE TOLD US THAT LOT MARKETS PAN AM TICKETS UNDER A QUOTA SYSTEM. HE ALSO SAID THE KRAKOW OUTLET HAD USED UP ITS ALLOCATION RATHER QUICKLY IN 1977 SO THE REMAINING PASSENGERS WERE PUT ON LOT. THE US SIDE SHOULD INQUIRE AS TO THE VERACITY OF THIS REPORT. IF THE KRAKOW OUTLETS WERE SOLD OUT OF PAN AM TICKETS, THE COMPLAINT IS MMVT, SINCE THE ONLY AREA THAT SUFFERED A DECREASE IN VISA ISSUANCE SOLD OUT OF THEIR LIMITED TICKETS.

8. NEITHER SHOULD WE ACCEPT THE POLISH ASSERTION THAT THE GOP WAS NOT INFORMED OF THE 1977 SALES SITUATION UNTIL IT WAS TOO LATE TO ADJUST. THE PAN AM REPRESENTATIVE TOLD AN EMBASSY OFFICER THAT LOT KEEPS A RECORD OF THEIR SALES FOR PAN AM ON A REGULAR BASIS. THE PAN AM REP SAID HE FREQUENTLY POINTED OUT TO LOT AND GOVERNMENT OFFICIALS THAT LOT WAS NOT GOING TO FULFILL ITS SALES OBLIGATIONS BUT TO NO AVAIL. THE FACT THAT IN JUNE, 1977, AS A RESULT OF ASSURANCE OF VICE MINISTER OF TRANSPORTA-

TION PIETRASZEK, WE EXPRESSED SATISFACTION WITH POLISH COMPLIANCE UNDER THE AGREEMENT DID NOT ABSOLVE THEM OF THE RESPONSIBILITY TO CONTINUE THEIR OBLIGATION TO PAN AM FOR THE REST OF THE YEAR.

9. IN GENERAL, WE FEEL THE POLES HAVE NOT FULFILLZ THE AIR TRANSPORT AGREEMENT IN GOOD FAITH. THE STATEMENT THAT THE GOP APPROVED ALL THE IZN AM CHARTER REQUESTS IGNORES THE EFFECT OF ITS DELAYING TACTICS AND THE GENERAL NEGATIVE ATTITUDE IT HAS CONSISTENTLY TAKEN TOWARD CHARTER APPLICATIONS. THE CHARTERS, THE 747 LANDING RIGHTS, AND THE SALES GUARANTEE DO NOT ADD UP TO A VERY FAVORABLE RECORD.

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISPUTES, NEGOTIATIONS, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 may 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978WARSAW03886
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780215-0857, D780196-0625
Format: TEL
From: WARSAW
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780576/aaaacncl.tel
Line Count: 136
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 49fcb0a1-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: ONLY
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: ONLY
Reference: 78 WARSAW 3809, 78 STATE 116893
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2742517
Secure: OPEN
Status: NATIVE
Subject: CIV AIR CONSULTATIONS
TAGS: EAIR, PFOR, CVIS, PL, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/49fcb0a1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014